

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jonathon Antonio Edwards,)	
)	
Plaintiff,)	C/A No. 0:09-cv-2850-GRA
)	
v.)	ORDER
)	(Written Opinion)
Ms. Ogunsile; Mr. Medvar;)	
Acc. Warden Claytor; Acc. Warden)	
Flo Mauney; Ms. Cocciolone)	
)	
Defendants.)	
_____)	

This matter is before this Court regarding Plaintiff's Motion to Return Funds. Plaintiff filed a complaint under 42 U.S.C. § 1983 on November 2, 2009. On December 12, 2009, this Court dismissed Plaintiff's complaint without prejudice and without issuance or service of process. Plaintiff now seeks the return of the money sent as partial payment of the filing fee.

The Prison Litigation Reform Act (PLRA) of 1996 permits a prisoner to file a civil action without **pre**payment of fees or security, but requires the prisoner "to pay the full amount of the filing fee" as funds are available.¹ See 28 U.S.C. § 1915(a) and (b). Because Plaintiff was unable to pay the first installment fee, the agency having custody of Plaintiff was to collect payments from Plaintiff's prisoner trust account

¹This Court notes that Magistrate Judge Gossett, in her order dated November 23, 2009, detailed the process to which Plaintiff was responsible for payment of a three hundred and fifty dollar (\$350.00) filing fee.

in accordance with 28 U.S.C. § 1915(b)(1) and (2), until the full filing fee is paid.
There is simply no recourse in place for a plaintiff who lost his case to recoup the filing fee amount previously paid.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Return Funds is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

January 22, 2010
Anderson, South Carolina